

1 The opinion in support of the decision being
2 entered today is not binding precedent of the board.

Paper 19

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5 Filed by:

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7 Trial Division Merits Panel
8 Mail Stop Interference
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Entered 14 March 2006

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14 UNITED STATES PATENT AND TRADEMARK OFFICE

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17 BEFORE THE BOARD OF PATENT APPEALS
18 AND INTERFERENCES
19 (Senior Administrative Patent Judge McKelvey)

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22 CHRISTOPHER L. **BASZCZYNSKI**, BENJAMIN A. BOWEN,
23 JOHN H. DUESING, LAURA A. TAGLIANI,
24 DAVID J. PETERSON and TONG ZHU,

25
26 Junior Party
27 (Patent 6,528,700 B1),

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29 v.

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31 CHARLES J. **ARNTZEN**, PETER B. KIPP
32 RAMESH KUMAR and GREGORY D. MAY,

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34 Senior Party
35 (Application 09/129,298).

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38 Patent Interference 105,416 (McK)
39 Technology Center 1600

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42 McKELVEY, Senior Administrative Patent Judge, and TIERNEY and
43 MOORE, Administrative Patent Judges.

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45 McKELVEY, Senior Administrative Patent Judge.

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48 **JUDGMENT**

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50 The board has received from Baszczyński a paper styled
51 BASZCZYNSKI CONCESSION OF PRIORITY (Paper 18). The paper states
52 that "BASZCZYNSKI herewith concedes priority of the count."

1 Upon consideration of the paper, it is

2 ORDERED that judgment on priority as to Count 1 (the
3 sole count in the interference; Paper 1, page 7)) is awarded
4 against junior party CHRISTOPHER L. BASZCZYNSKI, BENJAMIN A.
5 BOWEN, JOHN H. DUESING, LAURA A. TAGLIANI, DAVID J. PETERSON and
6 TONG ZHU.

7 FURTHER ORDERED that junior CHRISTOPHER L. BASZCZYNSKI,
8 BENJAMIN A. BOWEN, JOHN H. DUESING, LAURA A. TAGLIANI, DAVID J.
9 PETERSON and TONG ZHU is not entitled to a patent containing
10 claims 1-32 (corresponding to Count 1) of

11 U.S. Patent 6,528,700 B1
12 issued 4 March 2003
13 based on application 09/193,612
14 filed 17 November 1998.

15 FURTHER ORDERED that if there is a settlement
16 agreement, attention is directed to 35 U.S.C. § 135(c).

17 FURTHER ORDERED that a copy of this JUDGMENT shall
18 be placed in the files of (1) application 09/129,298 and
19 (2) U.S. Patent 6,528,700 B1.

FURTHER ORDERED that the Clerk is directed to distribute the files upon entry of this JUDGMENT.

/ss/ Fred E. McKelvey)
FRED E. McKELVEY, Senior)
Administrative Patent Judge)

/ss/ Michael P. Tierney)
 MICHAEL P. TIERNEY) BOARD OF PATENT
 Administrative Patent Judge) APPEALS AND
) INTERFERENCES
)
 /ss/ James T. Moore)
 JAMES T. MOORE)
 Administrative Patent Judge)

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Townes, Yolunda

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Sent: Tuesday, March 14, 2006 4:09 PM

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Subject: Interference #105416_019 (McK) - Judgment

3/14/06